

FEB 16 2006

**FAX TRANSMISSION****DATE:** February 16, 2006**PTO IDENTIFIER:** Application Number 09/997,694-Conf. #4739  
Patent Number**Inventor:** Gerald Cowley et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

**PHONE:** (202) 331-7111**Attorney Dkt. #:** 20435-00138-US1**PAGES (Including Cover Sheet):** 60**CONTENTS:** Information Disclosure Statement (3 pages)  
IDS (Citation) by Applicant (1 Reference) (1 page)  
Cited Reference (54 pages)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**CONNOLLY BOVE LODGE & HUTZ LLP**  
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425  
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

PTO/SB/97 (08-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 09/997,894

Attorney Docket No.: 20435-00138-US1

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on February 16, 2006  
Date

  
Signature

Nicole Brown

Typed or printed name of person signing Certificate

Registration Number, if applicable

(202) 331-7111  
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Information Disclosure Statement (3 pages)  
IDS (Citation) by Applicant (1 Reference) (1 page)  
Cited Reference (54 pages)

FEB 16 2006

Docket No.: 20435-00138-US1  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

In re Patent Application of:  
Gerald Cowley et al.

Application No.: 09/997,694

Confirmation No.: 4739

Filed: November 30, 2001

Art Unit: 1744

For: METHODS OF USING CHLORINE  
DIOXIDE AS A FUMIGANT

---

Examiner: M. R. Chorbaji

**INFORMATION DISCLOSURE STATEMENT (IDS)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify, pursuant to 37 CFR 1.97(e)(2), that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no

448592

Application No.: 09/997,694

Docket No.: 20435-00138-US1

item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 20435-00138-US1.

Dated: 2-16-06

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE &amp; HUTZ LLP

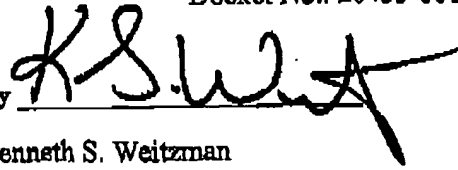
Correspondence Customer Number: 30678

Attorney for Applicant

Application No.: 09/997,694

Docket No.: 20435-00138-US1

By



Kenneth S. Weitzman  
Representative of Inventor Mason  
Registration No.: 36,306

Chadbourne & Parke LLP  
30 Rookefeller Plaza  
New York, NY 10112  
DIRECT TEL: (212) 408-5158  
TELEPHONE: (212) 408-5100  
FACSIMILE: (212) 541-5369

FEB 16 2006

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/997,894-Conf. #4739
				Filing Date	November 30, 2001
				First Named Inventor	Gerald Cowley
				Art Unit	1744
				Examiner Name	M. R. Chorbaji
Sheet	1	of	1	Attorney Docket Number	20435-00138-US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>4</sup> -Number <sup>4</sup> -Kind Code <sup>4</sup> (if known)					
	BA	WO-2005/123145-A2		12-29-2005	The Government of the United States of America (as represented by The Secretary of the Department of Health and Human Services; National Institutes of Health; CDG Research Corporation and CDIC, Inc.		✓

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind's Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--